

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Criminal Action No. 07-47-SLR
	:	
WILFREDO PINKSTON,	:	
	:	
Defendant.	:	

MOTION FOR RECONSIDERATION OF DETENTION STATUS

Defendant, Wilfredo Pinkston, by and through his undersigned counsel, Eleni Kousoulis, hereby moves the Court for reconsideration of Mr. Pinkston's detention status. In support of the motion, the defense submits as follows:

1. On April 9, 2007, the Honorable Mary Pat Thyng ordered Mr. Pinkston detained in custody pending trial in this case.
2. Mr. Pinkston was employed at Genreal Motors at the Newark, Delaware, assembly plant in the paint shop for approximately nine months, up until September of 2006 when he was laid off. At the detention hearing, defense counsel proffered that General Motors may be asking Mr. Pinkston to return to work for them in the coming weeks. Judge Thyng indicated at the hearing that if Mr. Pinkston was able to provide proof that he had a job waiting for him at General Motors, that the Court would consider releasing Mr. Pinkston on pretrial release.

3. On April 13, 2007, defense counsel spoke with Diane Graham, the hiring coordinator for General Motors' Delaware plant, who informed defense counsel that General Motors would be offering Mr. Pinkston a job contingent upon his passing a drug test and physical.¹ Mr. Pinkston's drug test and physical are currently scheduled for April 19, 2007. Mr. Pinkston has not used any illegal substances for over five years and is confident that he will have no problem passing the drug test making him eligible to accept General Motors' offer of employment.

4. Given the fact that Mr. Pinkston has this offer of employment awaiting him, he respectfully requests that the Court reconsider its prior order of detention pending trial and release Mr. Pinkston on pretrial release.

5. In addition to this offer of employment, there are other factors which also weigh in favor of Mr. Pinkston's pretrial release. As argued by defense counsel at Mr. Pinkston's detention hearing, Mr. Pinkston has strong family ties to the community which would minimize any risk of flight. Mr. Pinkston is a lifelong resident of Delaware, having lived at his current address of 400 W. 39th Street, Wilmington, Delaware, his entire life. Mr. Pinkston lives with his mother, Regina Pinkston, and his grandfather, London Pinkston. Mr. Pinkston also has a fiancé, Natasha Stewart, and a son, Keenan Smallwood, who reside in Delaware. Mr. Pinkston's mother has stated that if her son is released that she would allow him to return to her home to live, and that she would be willing to act as Third-Party Custodian. Regina Pinkston has also indicated her willingness to remove any

¹A letter from Diane Graham attesting to this job offer from General Motors is attached hereto as Exhibit A. In addition, attached as Exhibit B, is a newsletter issued by General Motors, dated 7/3/06, which highlights on page 2 of the newsletter, an award Mr. Pinkston and a co-worker received from General Motors for performance and problem-solving that averted the plant from major cost.

telephone services which interfere with electronic monitoring if the Court is considering house arrest as a condition of pretrial release.

6. In addition to not being a flight risk, Mr. Pinkston also does not present a danger to the community. The case for which Mr. Pinkston stands charged, Felon in Possession of Firearm, is not considered a crime of violence for bail purposes. Although Mr. Pinkston has a prior assault conviction from 1998, this case stemmed from an incident where Mr. Pinkston was acting in self-defense after being attacked by another individual. Furthermore, any reservation the Court would have in releasing Mr. Pinkston could be quelled by placing Mr. Pinkston on house arrest with electronic monitoring, allowing him to leave his house only to work.

7. For all of the reasons stated above, including Judge Thyne's directive that the Court would reconsider releasing Mr. Pinkston if proof of his employment with General Motors could be provided, Mr. Pinkston respectfully requests that the Court reconsider its prior Order for Detention Pending Trial, and release Mr. Pinkston on or before Thursday, April 19, 2007, to allow him to present himself at General Motors for his drug test and physical on that date.

8. Martin Meltzer, the attorney handling this case for the government, opposes the defendant's motion.

WHEREFORE, for all of the reasons stated above, and any others that shall appear to the Court, Mr. Pinkston respectfully requests that the Court grant the defendant's Motion for Reconsideration of Detention Status and release Mr. Pinkston on pretrial release with any conditions, including house arrest with electronic monitoring, that the Court deems appropriate.

Respectfully Submitted,

/s/
Eleni Kousoulis, Esquire
Assistant Federal Public Defender
704 King Street, Suite 110
Wilmington, Delaware 19801
(302) 573-6010
ecf_de@msn.com
Attorney for Defendant Wilfredo Pinkston

DATED: April 16, 2007

Exhibit A



General Motors Corporation
Wilmington Plant
P. O. Box 1512
Wilmington, DE 19899

April 16, 2007

Eleni Kousoulis
Assistant Federal Public Defender

Phone 302-573-6010
Fax 302-573-6041

RE: Wilfredo Pinkston

Dear Ms. Kousoulis:

Mr. Pinkston is being considered for re-employment as a seasonal employee. He worked at this facility last year and was highly recommended for rehire. We have scheduled Mr. Pinkston for a pre-employment drug screen on Thursday, April 19, 2007, at 4:45 p.m. Provided he successfully passes, we could offer him employment for May 3, 2007.

If you have any questions, please feel free to call me at 302-428-7994.

Sincerely,

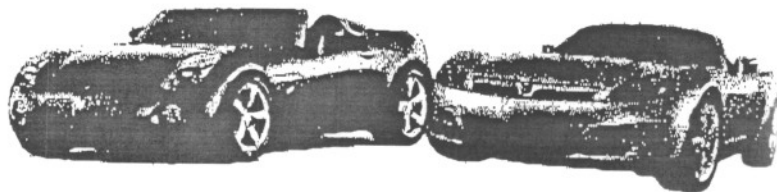
A handwritten signature in black ink, appearing to read "DM Graham".

Diane M. Graham
Manager People Systems

Exhibit B



The Bee Line



Vol. VIII, Issue 35

A Newsletter for Wilmington Assembly Employees

7/13/06

Reporting 'Near Miss' incidents helps avert potential injuries

The reporting of 'Near Miss' incidents is a very important part of the plant's overall safety program. A near miss is defined as any incident that could have resulted in a serious or fatal injury. Employees who report a near miss incident are doing a good deed for their co-workers and the plant, as it provides us with an opportunity to put measures in place to correct or fix a situation BEFORE someone is injured.

On Monday, the plant encountered a near miss involving a piece of mobile equipment. An employee operating a piece of mobile equipment, (a 3-wheel flatbed), was headed south at column B-5. After making the turn on B-aisle, the steering linkage on the flatbed became disconnected. The driver applied his brakes, however was not able to stop before hitting the guard rail at column B-4. Fortunately, there were no injuries.

The employee immediately reported the near miss to his advisor. Upon investigation, it was discovered that the castle nut that holds the steering linkage together had come undone and was found lying on the floor nearby.

However, there was no sign of the cotter pin, which was supposed to secure the castle nut.

As a result of this near miss, the plant decommissioned the 14 like vehicles (3-wheel flatbed). They were brought to truck repair where visual checks were performed by mobile equipment repair operators to ensure that the castle nut was securely fastened and cotter pins were in place on each of them. Mobile equipment repair operators found that of the 14 secured vehicles one cotter pin was missing, replaced before being releasing back into service.

This incident serves as an excellent example of the importance of reporting a near miss.

As a result of the reported near miss, we were able to secure the mobile equipment, perform visual checks and make repairs to another vehicle that was found to have a similar problem.

PLEASE, if you experience or see a near miss, report it immediately to your advisor.

Daily pre-op checks are required on all mobile equipment **BEFORE** you drive it. Also, supervisors are required to sign the pre-op check sheets on a weekly basis.

In a 60-day period, there have been 65 items repaired on mobile equipment as a result of pre-op checks. Most of the repairs were lights and switches.

GM delivers 413,473 vehicles, up 15.2 percent

GM dealers in the United States sold 413,473 new cars and trucks in June, the company's best sales performance year-to-date, up 15.2 percent, or about 68,000 units, compared with May.

"I am proud of our June sales results, especially since they reflect our highest sales month so far this year," said Mark LaNeve, General Motors North America vice president, Vehicle Sales, Service and Marketing. "Our launch vehicles had their best sales results so far this year, as evidenced by the sales gains of our all-new full-size utilities. We also had strong sales of the Chevrolet Impala (30,716 vehicles), HHR (9,503), Buick Lucerne (10,690), Pontiac G6 (17,074) and Torrent (4,789)."

GM posted strong passenger car sales with Pontiac leading the way up 28.7 percent over May and up 12.1 percent over June 2005 on the strength of G6 and G6 convertible hardtop sales. G6 set an all-time sales record and is up 39.9 percent for the first six months of the year. The Torrent crossover also achieved an all-time sales record, up 35 percent over May. Other GM divisions posted solid results with Saturn sales up 49.1 percent over May levels. Chevrolet small cars posted robust sales with Cobalt up 21.9 percent, and Aveo up 23.5 percent compared with May. Also, Impala sales were up 24.6 percent over May.

The Pontiac Solstice and Saturn SKY continue their brisk sales with Solstice continuing to be one of the hottest cars in the country remaining on dealers' lots an average of 13 days, with month-to-date sales of 1,846 units and year-to-date sales of 11,546 units. The SKY remains on dealers' lots an average of 10 days, with month-to-date sales of 1,054 units and year-to-date sales of 2,841 units.

On the truck side of the market, GM sold 33,148 2007 full-size utilities (including Luxury) in June. Total sales of all GM launch vehicles were up 21.8 percent compared with May and accounted for 25.5 percent of GM's total deliveries for the month. The success of GM's launch vehicles is one of the key components of GM's North American turnaround plan.

FHM magazine to feature Saturn SKY

FHM magazine is planning a feature article on the Saturn SKY for their October issue. To prepare for the article, a group of FHM representatives along with a photographer will be visiting the plant on Tuesday, July 18. The group will be touring the various departments and photographing several operations. A member of the communications staff will accompany the group as they travel throughout the facility.

Please extend a warm welcome to our guests as they tour our facility.

To submit feedback or story ideas, contact Alice Pettit - ext. 7947 or Peaches Whalen - ext. 7995.

No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, photocopying, electronic, mechanical, recording, or otherwise, without the written permission of GM Corporation Wilmington Assembly.

Wilmington Assembly



Body Assembly teams receive June Problem Solved Award

Body Assembly has two teams that were presented June's Problem Solved Award. Second shift's 11-22 Team D for improving the 'dog leg' operation and 11-21 Team C for conducting mini audits.

The 11-22 Team D team members were experiencing challenges concerning the placement of welds on the inside of the "dog leg". When team members tried to run the welds, they were faced with applying the mig-welds to the reinforcing plate without having the sealer bubble up and catch on fire. This was causing longer cycle times and reduced weld quality.

Body Assembly's team coordinators, engineering personnel and the vendor met and determined that the sealer could be moved up approximately two inches. Test runs were made to validate the change. Team members were amazed with the difference in weld and air quality, as well as cycle time. After several more checks for quality standards, the sealer move was approved and is now in use, thus improving the operation and the quality of the job.

After applying the GMS Principles of People Involvement, Standardization, Built-In Quality, Short Lead Time and Continuous Improvement, the team was determined to find a way to help reduce cycle time, improve the application of the welds and ensure the quality of the job. Working together, sharing ideas and talking about the situation among all three shift's team coordinators and team members, they worked toward resolving the issue.

As a matter of personal pride, the 11-21 Team C wanted to ensure that every vehicle that left the department was 100% free of issues, they came to a resolution that they should conduct their own mini audits in General Assembly for quality assurance.

Displaying a fine example of teamwork, the team coordinators would cover the team member's job to allow them to visit GA where the underbodies come into the department. The Body Assembly operator would then conduct a mini audit of the department's welds with the Quality Assurance team member at that location.

These mini audits have allowed the team members the opportunity to see how the work that is performed in Body Assembly affects the whole car and other teams' operations in GA. To date, several team members have had the opportunity to spend a few minutes conducting mini audits on a completed vehicle. This process has helped them to see the overall importance of building a quality car with good welds.

"The teams' efforts exemplify the application of the five GMS Principles at its best" said Body Assembly Area Manager Glen Brenna.

Congratulations to both teams for a job well done!



Body Assembly Area Manager Glen Brenna (far right) and Advisor James Howie (far left) present Problem Solved Award to Body Assembly's 11-22 team D team members (left to right) Ace Needam, Pattie Bethke, George Boyd Jr. and Gary Thorpe.



Body Assembly Area Manager Glen Brenna (far right) and Advisor Bob Sieber (second left rear) present Problem Solved Award to Body Assembly's 11-21 team C team members (left to right) Whitaker Ash-Shakir, Keith Milano, Joe Maglosky, Duane Stanton, Bill Bartenfeld, John Stefanowicz, Cusey Glendening and Jonny-Sue Hanna.

Paint third shift team also receives June Problem Solved Award

Paint's third shift 'Prime Sanding' team was presented the June Problem Solved Award for their efforts in protecting the paint process.

As team members Debra Seabridge and Wilfredo Pinkston were performing their jobs, they noticed what could have been a means for potential contamination to the e-coat process. Striving for continuous improvement and to ensure that each unit receives a first class finish, they immediately pulled the Andon cord and notified their advisor, Alpha Philhower, and team coordinator Frank Vayo of the potential contamination.

The team immediately set up containment sanders and supplies, and began the process of 100% defect sanding of each vehicle. Each unit was then verified for cleanliness before the line was permitted to run.

Phosphate/ELPO attendant Butch Selby and team coordinator Ray Slayman were notified to review the process. Upon their assessment, it was decided to stop the units from entering into the Phosphate system from Body Assembly until further examination. After a more detailed evaluation, they found that there was a possible leak of the filtration resin in the de-ionized (DI) water supply truck. The truck was switched. The DI water holding tank and associated piping was drained and flushed. With the process being corrected, and the performance of a 100% examination, the units were allowed back into the system.

"Thanks to the team's immediate action, applying GMS Principle - 'Built-In Quality' and not allowing defects to continue to the next station, they helped to ensure continuous throughput and quality, and averted what could have been a major cost to the plant," said Paint Area Manager Drew Dorak.



Paint Area Manager Drew Dorak (far left) and Advisor Terry Wilt (far right) present Problem Solved Award to Paint team members Debra Seabridge and Wilfredo Pinkston.

Wilmington Assembly



Teams recognized for Problem Solved efforts

Each week departmental team representatives from the three production shifts report to the Wilmington Staff problems solved by their respective team. At the end of each month, the staff selects "Problem Solved" winner from each shift and the winners are highlighted in the plant newsletter. Often it is extremely difficult to determine a winner, because in the eyes of the staff, each and every team is a winner!

In order to recognize ALL problem solved presenters, a listing will be published each month noting the presenters' names and the topic of the problem solved. A feature story highlighting each winner will continue to be published along with a picture of the team receiving the "Problem Solved" banner.

Below is a listing of the June 2006 Problem Solved presentations:

DEPT	SHIFT	PROBLEM SOLVED	PRESENTER/S
Body	2 nd	Dock Lid <i>Flange</i>	Bob Lacy, Jr. & <i>Steve Carson</i>
Body	2 nd	Weld Checks in <i>GA</i>	John <i>Stefanowicz</i>
Body	2 nd	Rail Sealer	Gary Thorpe
GA	3 rd	Dog Leg Mutilation Containment	Shawn Thompkins
GA	3 rd	New Clamp - SKY body side	Don Raffaele
GA	3 rd	Tape Rear Differential	Randy Arthur, Walker
GA	1 st	Body Side Mutilation Protection	Barry Hazelwood
GA	1 st	Spoiler Material Presentation	Rick Wilt
GA	1 st	On-Star and XM Radio Antennas	Mike Priesley
Paint	3 rd	D.I. Issue	Deborah Seabridge, Will Pinkston & Alpha Philhower

Note: June's Problem Solved winners for the three shifts are noted in bold italics.

Throughout the year, these type problems solved by teams have helped the plant in the areas of quality, efficiency, costs and competitiveness. All presenters and their teams, past and present, are thanked for their commitment, hard work, creativity and insight in overcoming issues to aid our effort of continuous improvement! Your efforts clearly reveal that no one knows the job better than the teams and operators who do the work! Keep up the great work!

Plant engineering downtime activities explained

Plant Engineering was very busy during the July shutdown preparing the plant for the added capacity increase of 1 job per hour. Larry Kimble, lead controls engineer reports that maintenance employees accomplished the following items:

- Replaced the lifters in the Cockpit load, Solstice framing station, Saturn framing station, and Body In White vision station in the AGC area
- Rotated station 1 90 degrees to support 1 JPH increase
- Added Stations 1B, 1D, 1F to support turbo build and 1 JPH increase
- Added Station 34 B To support 1 JPH increase
- Moved body shop Tooling to support 1 JPH increase
- Continued pull ahead work on new skillet system to support 1 JPH increase

A big thank you for a great job to all the employees who helped to make this happen.

Body Assembly re-arrangements implemented during downtime

During the July 4th holiday shutdown period, three operations were relocated to a recently demolished area in Body Assembly. This completes phase 1 of the 'one job an hour' capacity process, and floor space was also freed up for phase 2, to allow us to facilitate the new operations with out affecting current throughput.

Phase 2 implementation consists of two existing operations being relocated and five new operations being added to the system. The tie-in date for the completion

Daily Direct Run Rate performance shows improvement

Our Direct Run Rate (DRR) performance is moving in the right direction showing signs of continuous improvement. July's performance indicates that we are consistently performing in the 50% range. Consistency and continuous improvement is where we must maintain focus. Our daily DRR performance for the past five days is noted below:

DATE	DRR %
Thurs., June 29	60%
Fri., June 30	55%
Mon., July 10	55%
Tues., July 11	54%
Wed., July 12	53%

With everyone's support, we can keep this trend going! Wear your mutilation prevention equipment, follow standardized work, use Andon and if you see something that is causing damage to our product, report it to your advisor team coordinator.

Remember to communicate any changes in your JES to the opposite shift ensure that he or she is following the same process. Use the 7-minute shift overlap to communicate - good communications between shifts help support our quality initiatives.

Keep up the great work and let's continue to improve our DRR performance daily and achieve our DRR goal of 85%!

Plant Recordables and Lost Work Day Cases on the rise

After returning from summer shutdown it's time to once again turn our attention to working safely and following safe work practices! Each of us must recommit ourselves to safety and always "Take Two" to preplan the job. Before attempting to use equipment, take time to perform PMP checks to ensure everything is working properly. There is NEVER an acceptable reason for an incident -- incidents CAN be prevented if everyone adopts safety as their "overriding priority".

Plant recordables are higher than they have been in years. Each month we have exceeded our 2006 year-end goal of 2.5. In June the plant had eight recordables and for the sixth consecutive month makes us red in the Recordables category on our Level One Business Plan Deployment Board / Scorecard.

In the area of Lost Work-Day Case Rate, we have also exceeded our 2006 year-end goal of 0.29 - also making us red in this category for the sixth consecutive month. Our safety performance for the year is poor at best and as a result of our poor performances in these areas we will remain red throughout the year. We MUST improve our safety performance.

Historically, safety performance is an area in which we have been green. We must work together to improve our performance and not hesitate to approach someone if we observe them about to perform an unsafe act.

Additionally, wearing the appropriate Personal Protective Equipment (PPE) for the job is not an option - it is MANDATORY! Pre-op checks on mobile equipment are not optional - they too are MANDATORY! Work safely, this safety and watch out for one another - be your brothers' and sisters' keeper!

GM Core Values

- Customer Enthusiasm
- Integrity
- Teamwork
- Innovation
- Continuous Improvement
- Individual Responsibility
- Global Perspective

VISION

GM

To be the world leader in transportation products and related services

ALIVE MISSION

BE THE BEST

GM Cultural Priorities

- Enhance our Product and Customer Focus
- Act as One Company
- Empower the Individual